

1 CHAIRMAN BENNETT: Ms. Nussmeyer, anything to
2 add?

3 MS. NUSSMEYER: Mr. Chairman, if I might, I
4 don't believe we've received a response from
5 Mr. Leonard.

6 MS. THOMPSON: Mr. Chairman, at this time, we
7 have not.

8 CHAIRMAN BENNETT: Any questions or comments
9 from the Commissioners? Hearing none, we'll move
10 to the next item.

11 MR. KING: Mr. Chairman, Members of the
12 Commission, behind the material I just mentioned is
13 a complaint filed by Mr. Joe Weingarten on Friday,
14 November 2nd of 2018. And there is both an
15 original email and an amended email, that's -- are
16 both from that same date with regard to the
17 Committee Elect Brian Bosma, John Trimble as
18 Treasurer.

19 As is the campaign finance staff's practice, a
20 copy of this complaint was forwarded to the
21 Committee, and a response was received. You will
22 find that response about five pages further back.
23 It was filed on January 14, 2019, by
24 Ms. Margaret Christensen of Bingham, Greenebaum,
25 and Doll, and addresses the items in

1 Mr. Weingarten's complaint in a narrative along
2 with several exhibits. And I'll defer to
3 Ms. Nussmeyer.

4 CHAIRMAN BENNETT: Ms. Nussmeyer?

5 MS. NUSSMEYER: I have nothing further,
6 Mr. Chairman.

7 CHAIRMAN BENNETT: Thank you. Any comments,
8 questions from the Commissioners?

9 MR. LONG: Just take a second to familiarize
10 myself with it.

11 MR. KING: Mr. Chairman, if I could add just
12 for the record, in both cases regarding the Leonard
13 and Bosma complaints, I forwarded copies of the
14 material to Commission Members when they were
15 received. I'm assuming that my counterpart has as
16 well.

17 CHAIRMAN BENNETT: Thank you.

18 MR. KLUTZ: Mr. Chairman, if I may? It
19 appears that the email requested an investigation
20 in -- the Election Division opened an investigation
21 that Mr. King challenged the candidate campaign.
22 Our directive under the code, Indiana Code
23 3-6-4.1-21 says: "If the Commission determines
24 that there is substantial reason to believe an
25 election law violation has occurred, then it should

1 expeditiously make an investigation." So what we
2 have here appears that a request for an
3 investigation based upon campaign expenditures and
4 whether they were proper, I suppose. We have
5 campaign contributions used for legal fees to
6 advise, consult regarding campaign attack mailers.
7 It appears that is permissible use of money if I
8 look at Indiana Code 3-9.34: "Money received by a
9 candidate or committee can be used for the
10 following to defray any expense reasonably related
11 to any person's campaign for office, continuing
12 political activity, or activity related to the
13 service in an elected office." That all appears to
14 be -- have occurred. So I guess I do not see,
15 again, substantial reason to believe an election
16 law violation has occurred and does not require an
17 investigation.

18 CHAIRMAN BENNETT: Thank you,
19 Commissioner Klutz. Any other comments by
20 Commissioners?

21 MR. LONG: Do you have any?

22 MR. KLUTZ: I guess I make a motion that an
23 investigation, as requested by email dated
24 November 2nd of 2018, as amended, is not necessary.

25 CHAIRMAN BENNETT: Is there a second? I'll

1 second the motion.

2 MR. CLAYTOR: Could you -- the motion is it's
3 not necessary?

4 MR. KLUTZ: The request was to open an
5 investigation. I guess I made a motion based upon
6 what I've seen, there is not a substantial
7 likelihood that a campaign violation has occurred.
8 So I made a motion that an investigation not be
9 opened or initiated based upon the request made
10 by -- within the email.

11 MR. CLAYTOR: Okay. Just a suggestion, and I
12 think a cleaner motion would be just to deny the
13 request.

14 MR. KLUTZ: That's fine. I'll amend my motion
15 to simply say that we deny the request.

16 CHAIRMAN BENNETT: Is there a second to that
17 motion?

18 MR. CLAYTOR: Second.

19 CHAIRMAN BENNETT: All in favor, say aye.

20 (Chorus of ayes.)

21 CHAIRMAN BENNETT: All opposed, say nay. The
22 ayes have it. The motion to deny the request to
23 open an investigation is sustained.

24 MR. CLAYTOR: Mr. Chairman, can I ask a
25 question? On the previous complaint, we didn't do